

# MAINE STATE LEGISLATURE

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*Maine*  
**REVISED STATUTES**  
**1964**

*Prepared Under the Supervision  
of the  
Committee on Revision of Statutes*

Being the Tenth Revision of the  
Revised Statutes of the State  
of Maine, 1964

**Volume 4**  
Titles 21 to 25



**Boston, Mass.**  
Boston Law Book Co.

**Orford, N. H.**  
Equity Publishing Corporation

**St. Paul, Minn.**  
West Publishing Co.

Text of Revised Statutes  
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## CHAPTER 9

## BRIDGES

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## SUBCHAPTER I

## GENERAL PROVISIONS

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**§ 351. Definition of state highway**

For the purposes of this section and section 401, state highways are defined to be those highways that have been and may in the future be so designated by the commission, in accordance with section 53.

R.S.1954, c. 23, § 107.

**§ 352. Exceptions**

This subchapter and subchapter III shall not be construed as applying to or including any interstate or international bridge or bridges.

R.S.1954, c. 23, § 115.

**§ 353. Existing contracts, judgments and decisions not affected**

Nothing contained in this subchapter and subchapters II and III shall invalidate any existing contract, judgment or decision of any tribunal whereby any bridge is wholly or partly kept in re-

pair or any money is contributed or to be contributed for the purpose of construction or maintenance of any bridge by any individual, firm or corporation.

R.S.1954, c. 23, § 120.

**§ 354. Reconstruction of intrastate bridges generally**

The commission shall have authority to reconstruct any intrastate bridge wholly under the control of the State when, in its opinion, such reconstruction is necessary, and the cost of the work shall be paid from any funds available for the construction of intrastate bridges.

R.S.1954, c. 23, § 116.

**§ 355. Proceedings under general statute**

All legal proceedings necessary to carry out any provisions of this subchapter and subchapters II and III shall be had under the general statute.

R.S.1954, c. 23, § 121.

SUBCHAPTER II

STATE HIGHWAY BRIDGES

Sec.

401. Construction, reconstruction and improvement.

402. Maintenance.

**§ 401. Construction, reconstruction and improvement**

The construction, reconstruction and improvement of all bridges on state highways, and all approaches thereto, shall be borne wholly by the State.

R.S.1954, c. 23, § 106.

**§ 402. Maintenance**

The cost of maintenance of all bridges on state highways, and all approaches thereto, shall be borne wholly by the State.

R.S.1954, c. 23, § 117.

## SUBCHAPTER III

## STATE AID AND 3RD CLASS ROAD BRIDGES

Sec.

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**§ 451. Construction and rebuilding in towns**

When the municipal officers of any town or city deem that any bridge on any main thoroughfare must be built or rebuilt, they may petition the commissioners of the county in which said bridge is or may be built or rebuilt, and the commission to meet with them for the purpose of examining into and determining whether public convenience and necessity require the building or rebuilding of said bridge. The petition shall be sent to the commission and upon its receipt said commission shall transmit a copy thereof to the county commissioners. The commission shall make such surveys and investigations as it may deem important and necessary for the preparation of survey plans and estimates of cost of construction.

The municipal officers of the town or city together with the county commissioners and the commission shall constitute a joint board to determine whether or not the bridge is or may be built on a main thoroughfare, whether or not public convenience and necessity require the building or rebuilding of said bridge and to determine the type of construction and general dimensions. This board shall determine the estimated cost of construction. Said board shall keep or cause to be kept a written record of its doings, including its findings as to preliminary facts necessary to its organization and jurisdiction. The decision of said board, or a majority thereof, upon any matter within its jurisdiction shall be final and conclusive and the record of its findings upon all preliminary matters shall be prima facie evidence of the truth there-

of. The commission shall appoint the time and place for the meeting of said board and give such notice thereof as it shall deem reasonable and proper.

When the county commissioners of any county deem that any bridge on any main thoroughfare in any unorganized township in said county must be built or rebuilt or deem that any bridge owned and maintained wholly by said county on any main thoroughfare in any town or organized plantation must be rebuilt, they may petition the commission for the purpose of forming a joint board composed of said county commissioners and the commission. The joint board shall possess all the powers and prerogatives of joint boards constituted as described in the 2nd paragraph of this section. The commission shall make such surveys and investigations as it may deem important and necessary for the preparation of survey plans and estimates of cost of construction, and shall appoint the time and place for the meeting of said board and give such notice thereof as it shall deem reasonable and proper.

When the commission shall deem that any bridge on any main thoroughfare must be built or rebuilt, it may notify the municipal officers of the town or city, or the county commissioners having jurisdiction of the roads in any unorganized township in which said bridge is located or may be built, and the county commissioners of the county in which said bridge is located or may be built or rebuilt, to meet with it for the purpose of forming a joint board possessing the same powers and prerogatives as a joint board formed in response to a petition emanating from the municipal officers of a town or city. The commission shall make such surveys and investigations as it may deem important and necessary for the preparation of survey plans and estimates of cost. On each question arising in all meetings of joint boards, each component body shall have one vote and its vote shall be recorded in the records of the meetings.

R.S.1954, c. 23, § 108; 1961, c. 395, § 15.

### **§ 452. Apportionment of cost; definitions**

The cost of construction of a bridge built or rebuilt under this subchapter and subchapter I shall be divided as follows: When the cost of said construction makes a tax rate of  $2\frac{1}{2}$  mills or less on the valuation of the town last made by the State Tax Assessor, 45% by the town, 30% by the county in which said town is located and 25% by the State; when the tax rate determined as above is 5 mills, the cost shall be borne as follows: 40% by the



town, 30% by the county and 30% by the State; when the tax rate determined as above is  $7\frac{1}{2}$  mills, the cost shall be borne as follows: 35% by the town, 30% by the county and 35% by the State; when the tax rate determined as above is 10 mills, the cost shall be borne as follows: 30% by the town, 30% by the county and 40% by the State; when the tax rate determined as above is 15 mills, the cost shall be borne as follows: 25% by the town, 30% by the county and 45% by the State; when the tax rate determined as above is 20 mills, the cost shall be borne as follows: 20% by the town, 30% by the county and 50% by the State; when the tax rate determined as above is 30 mills, the cost shall be borne as follows: 15% by the town, 30% by the county and 55% by the State; when the tax rate determined as above is 40 mills, the cost shall be borne as follows: 12% by the town, 30% by the county and 58% by the State; when the tax rate determined as above is 50 mills, the cost shall be borne as follows: 10% by the town, 30% by the county and 60% by the State. For intermediate tax rates the percentage of cost to be borne by the town and State shall be proportional, computed to the nearest tenth of 1%. When the tax rate determined as above is over 50 mills, the town shall pay a fixed sum, equivalent to  $\frac{1}{2}$  of 1% of its state valuation, the county 30% of the cost of construction and the State the balance. The cost of reconstruction of a bridge owned and maintained wholly by the county, but located in a town or organized plantation, shall be borne as follows: 50% by the county and 50% by the State.

The portions of the cost payable by the counties and towns shall be due as follows: 50% upon the award of the contract, 25% 60 days after the award and the remainder, including the proportional part of any additional cost over the estimate, on the completion of the work.

In the event of 2 or more bridges being built or rebuilt simultaneously or practically so, in the same town, the basis for computing the tax rate applicable and used in determining the apportionment of cost to be borne by the State and the town shall be the total cost of each bridge as a separate unit, and the apportionments shall be determined and assessed separately for each bridge. The cost of construction shall include the complete cost of the bridge proper and such embankments, surfacing and other work as is necessary to provide proper, adequate and safe approaches to the bridge; the maintenance of traffic by temporary detours and structures whenever existing highways cannot satisfactorily be used for such service; and such charges for engineering, advertising and inspection as may be incurred in the preliminary and actual construction phases of the work.

Unless otherwise expressed or implied, wherever the word "town" occurs in this subchapter and subchapter I, it shall mean to include towns, cities, organized plantations and unorganized townships.

The words "main thoroughfare", as used in this subchapter and subchapter I, shall mean only such state aid highways as have been so designated, determined and accepted by the commission to receive aid from the State as provided by law. Any bridges on ways that were designated as 3rd class highways at the time that the 3rd class highway designations were rescinded, which bridges have not been reconstructed under this subchapter and subchapter I, and which are not maintained by the State, shall be considered as being located on a "main thoroughfare", and the word "bridge" shall mean only such a structure as shall require a span of 10 or more feet between the faces of the abutments thereof.

R.S.1954, c. 23, § 109; 1955, c. 20, § 3; 1957, c. 12, § 1; 1961, c. 395, § 16.

**§ 453. Plans and specifications; contracts; requisitions; bids; financing**

The commission shall prepare all engineering plans and specifications for materials, construction and workmanship which it considers necessary for the complete construction of the bridge structure, approaches and for maintenance of traffic and, as soon as practicable after being advised that the municipal officers are authorized to raise the town's share of the estimated cost of such construction, shall requisition the county and city or town for their respective portions of the estimated cost of construction as provided in section 452, and except as otherwise provided in this section, advertise for bids for the construction of the bridge in 2 or more public newspapers printed wholly or in part in the State, and in one public newspaper printed wholly or in part in the county in which the proposed work is to be done, if any such newspaper is so printed in such county. Such advertisement shall state the place where the bidders may examine or obtain the plans and specifications, and the time and place where the bids for such work will be received by the commission. Each bidder must accompany his bid with a cashier's check or a certified check, or a United States postal money order, payable to the Treasurer of State, for an amount which the commission considers sufficient to guarantee that if the work is awarded to him he will contract with the commission for its due execution. Such checks or money

orders shall be returned to the respective unsuccessful bidders. The check or money order of the successful bidder shall be returned to him upon the execution and delivery to the commission of his contract and his bond with sufficient sureties, in terms satisfactory to the commission for the due execution of such work. All bids so submitted shall be publicly opened, read and posted at the time and place stated in such advertisement. The commission shall have the right to reject any and all bids if in its opinion good cause exists therefor, but otherwise it shall award the contract to the lowest responsible bidder. Any town may submit bids for bridge construction within its limits and shall be subject to all requirements prescribed for other contractors, except that no bond need be required of it. The commission may provide for the construction of the bridge on a day labor basis, or with approval of the Governor and Council, by contract without advertising for bids. The commission shall have full power in all matters relating to the furnishing of bonds by the successful bidders for the completion of their work and fulfilling of their contracts. These bonds shall protect fully the State, county and town from all liability arising from damage or injury to persons or property as a result of the contractor's operations. The county commissioners of any county where a bridge is built or rebuilt in any unorganized township are authorized and required to assess upon said township such sums as may be required to build or rebuild said bridge according to the last state valuation. This expense shall be added to their assessment on said township for repairs authorized by section 4051, which assessment shall create a lien upon said township for the amount thereof as effectually as is now provided in relation to repairs on county roads. The portion of such expense to be assessed in any one year shall be determined by the county commissioners, but in no case shall the total expense be distributed over a period of more than 5 years. That portion of said assessment which is for building or rebuilding said bridge shall be set down in the assessment in distinct items in a separate column and shall be enforced as is provided in section 4104.

The county commissioners and municipal officers of cities are authorized and required to raise by taxation or by borrowing or otherwise such reasonable sums as may be necessary to carry out this subchapter and subchapter I, and the municipal officers of towns, when authorized by a vote at a legal town meeting, are required to raise by taxation or by borrowing or otherwise such like sums as may be necessary to carry out said subchapters. Any loan so made by the county commissioners or municipal offi-

cers shall be a legal debt of the county or town whose credit is pledged under this law. All loans made by the county commissioners under this law are excepted from the laws of the State limiting the borrowing capacity of counties. All loans made by the county commissioners and municipal officers under this law shall mature in not more than 20 years, and not less than  $\frac{1}{20}$  of any loan so made shall be raised by taxation and applied in payment of the loan each year after the loan is made.

R.S.1954, c. 23, § 110; 1955, c. 405, § 29.

**§ 454. Supervision; statement of cost; salvage; failure to pay share of cost**

The commission shall have supervision of all construction work and no payment shall be made on account of any of said work except by voucher approved by said commission. On completion of any bridge the commission shall render an itemized statement of the complete cost of the construction to the town or towns and the county or counties interested and to the Treasurer of State. If there remain unexpended balances of the moneys advanced by the town or towns and the county or counties, they shall be immediately returned. If the cost of construction has exceeded the estimated cost, the town or towns and the county or counties interested shall forthwith, on receipt of said itemized statement, forward to the Treasurer of State their proportional shares of such additional cost.

Any material salvaged from an existing structure rebuilt under this subchapter and subchapter I shall be the property of the town or towns in which the bridge is located, providing the town or towns use such material for the construction or repair of other bridge structures. Otherwise the commission may dispose of the material in any manner it deems proper, crediting any amount received from the sale thereof to the joint fund for the construction of the bridge.

In case any county or town neglects or refuses to pay into the State Treasury its proportional part of the estimated cost of construction which may be due and payable under said subchapters or its proportional part of the excess cost of construction above the estimated cost, then the Treasurer of State shall, out of any funds in the State Treasury due said county or town, pay such proportional part and deduct the amount so paid from any sum in the State Treasury due said county or town. In case such funds due or to become due any town or county from the State Treasury in any one year do not equal or exceed the town's or county's share

of either the estimated cost or the actual cost of a bridge, the construction of which is provided for under the terms of said subchapters, then a civil action in the name of the Treasurer of State may be maintained against such delinquent county or town to recover any sum so due the State, but these remedies shall be in addition to, and not exclusive of, other remedies afforded by law for the proper enforcement of said subchapters.

R.S.1954, c. 23, § 111; 1957, c. 12, § 2; 1961, c. 317, § 32.

**§ 455. Bridges crossing boundary lines; joint board; apportionment of costs**

When a bridge is to be built or rebuilt under this subchapter and subchapter I which bridge crosses the boundary line between 2 or more towns, in the same or different counties, said subchapters shall apply to each or all towns and to the county or counties involved. In such cases the municipal officers of each of said towns and the commissioners of the county or counties shall sit upon the board provided for in section 451. Notice of complete cost of construction shall be forwarded to each town and each county involved. The proportional parts of the cost borne by the towns or by the counties under section 452 shall be apportioned between said towns and between said counties in proportion to their valuations last made by the State Tax Assessor.

R.S.1954, c. 23, § 112.

**§ 456. Limit on building; emergencies**

Under this subchapter and subchapter I not more than 2 bridges may be built or rebuilt in any one town in any one calendar year, except when in the unanimous judgment of the joint board an emergency exists and public necessity and safety require the immediate building or rebuilding of the bridge petitioned for.

R.S.1954, c. 23, § 113.

**§ 457. State not liable for damages; caution signs**

The State shall not be liable to any person or corporation for damages arising from the construction or rebuilding, or improvement of any bridge built or rebuilt under the terms of this subchapter and subchapter I.

Whenever temporary means are provided for the transfer of traffic over or around a bridge site, the commission shall erect,

or cause to be erected, caution signs to be conspicuously placed at each end of the construction work and at distances of 200 to 500 feet therefrom whenever possible. These signs shall display the following words: "Bridge under Construction. Pass at your risk. Maine State Highway Commission". The commission may display signs, in conjunction with the warning signs, limiting the gross loads to be transferred over temporary structures and detours to such weight as it deems necessary for the safety of life or property. Nothing contained in the said subchapters shall be construed as affecting existing liability for the repair of any bridge or damages sustained by reason of neglect or want of repair of any bridge.

R.S.1954, c. 23, § 114.

### § 458. Cost of maintenance

All costs of maintenance of bridges built or rebuilt under this subchapter and subchapter I shall be borne entirely by the State. This section shall apply to the maintenance of the bridge between Machiasport and East Machias, all the 22 bridges built under the "Works Program Flood Relief Program", and the following covered bridges: Lovejoy Bridge, Andover; Robyville Bridge, Corinth; Hemlock Bridge, Fryeburg; Bennett Bridge, Lincoln Plantation; Watson's Bridge, Littleton; Artist's Bridge, Newry; Lowe's Bridge, Sangerville-Guilford and Babb's Bridge, Windham-Gorham.

If replacement of any of these covered bridges is necessary, this subchapter and subchapter I shall apply.

R.S.1954, c. 23, § 118; 1955, c. 313; 1959, c. 257; 1961, c. 7; c. 416, § 1.

### § 459. Personnel paid from bridge funds

Salaries and expenses of personnel employed under section 201 for the purpose of carrying out this subchapter and subchapter I shall be paid from any moneys appropriated by the Legislature for the purposes of said subchapters.

R.S.1954, c. 23, § 122.

## SUBCHAPTER IV

## INTERNATIONAL AND INTERSTATE BRIDGES

## ARTICLE 1. MAINTENANCE

Sec.

501. State bears proportionate cost.

## ARTICLE 2. WIRES AND PIPELINES

551. Affixing wires and pipelines.

552. Application; commissioner's report.

553. Hearing; procedure.

554. Granting of application; limits on use of right or permit.

## ARTICLE 1. MAINTENANCE

**§ 501. State bears proportionate cost**

The State of Maine portion of international and interstate bridges, and approaches thereto, constructed in part with state funds shall be maintained by the State.

R.S.1954, c. 23, § 119.

## ARTICLE 2. WIRES AND PIPELINES

**§ 551. Affixing wires and pipelines**

The commission shall have the power, upon such terms and conditions as it shall determine, to authorize and permit persons, firms or corporations to construct on, or to affix to, that part of any international or interstate bridge lying within the boundaries of this State and which is under the supervision of the commission, such pole and wire lines, cable lines or pipelines, as it shall determine will not interfere with public safety or with the convenient use of such bridge by the public.

R.S.1954, c. 23, § 123; 1957, c. 397, § 21.

**§ 552. Application; commissioner's report**

Whenever any person, firm or corporation shall desire to construct on, or to affix to, any international or interstate bridge any such pole and wire line, cable line or pipeline as described in section 551, application shall be filed with the commission setting forth in detail, and accompanied by plans on an appropriate scale, a description of, and the specifications for, the proposed line and the purpose thereof. After receipt thereof said com-

mission shall investigate as to the engineering and similar features of the proposed construction to determine whether or not the proposed line will, or in the future may, interfere with public safety or with the convenient use of said bridge by the public. During the course of its investigation the commission may call upon the applicant for such additional data and information as it deems necessary in the proper completion of its investigation.

R.S.1954, c. 23, § 124.

**§ 553. Hearing; procedure**

After proper investigation the commission shall set a date for public hearing on the application required by section 552, which date shall be not more than 60 days after the filing of the application, shall give notice by publication in such newspapers as it shall designate, and such other notice as it may determine necessary in any particular case, at least 14 days prior to the date set for such hearing. Rules for procedure at such hearings may be determined from time to time by the commission.

R.S.1954, c. 23, § 125.

**§ 554. Granting of application; limits on use of right or permit**

Decision on the application required by section 552 shall be rendered by the commission within 30 days after the hearing is closed. The commission may grant the application as filed, or may refuse to grant the same, or may grant the application in part only, but if the application is granted in full or in part, the commission may attach thereto such terms and conditions as it deems necessary to protect the public interest in the safe and convenient use of such bridge. If any authority granted by the commission is not exercised within 2 years from the date thereof, the same shall be deemed to have expired and may not thereafter be exercised except upon further and subsequent authority from said commission. Any authorization made or permit granted under sections 551 to 554 shall be limited to a term not exceeding 50 years from the date of such authorization or grant.

R.S.1954, c. 23, § 126.



SUBCHAPTER V

COVERED BRIDGES

Sec.

601. Maintenance and rehabilitation.

**§ 601. Maintenance and rehabilitation**

Upon application by the municipal officers of a municipality responsible for maintenance of a covered wooden bridge on a public highway, the commission is authorized to perform such maintenance and rehabilitation work as it considers necessary and practicable for preservation of the structure.

1957, c. 277, § 1.